Fawn Jade Korr (SBN 315888)
Jeanne Finberg, *pro bono counsel* (SBN 88333)
BAY AREA LEGAL AID
1800 Market Street, 3rd Floor
San Francisco, CA 94102
Telephone: (415) 982-1300
Facsimile: (415) 982-4243
Email: fkorr@baylegal.org

Attorneys for Petitioners

FILED
San Francisco County Superior Court
MAY 06 2019
CLERK OF THE COURT
BY: _____ Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

UNLIMITED CIVIL JURISDICTION

LINA LU; ALEXANDRA ANDERSON; and STELLA OSBORNE, *Petitioners/Plaintiffs,* v. CITY AND COUNTY OF SAN FRANCISCO; THE SAN FRANCISCO POLICE DEPARTMENT; WILLIAM SCOTT in his official capacity as Chief of Police, and DOES 1-20, *Respondents/Defendants.*	**Case No.** CPF-19-516659 **Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief; Exhibits "1" – "3"**

INTRODUCTION

1. This action challenges the San Francisco Police Department's systematic failure to provide survivors of domestic violence with a copy of their incident report as mandated under Family Code § 6228.

2. The statute was enacted more than 20 years ago to protect survivors of domestic violence, sexual assault, stalking, human trafficking, elder abuse, and dependent

adult abuse by providing these survivors with swift access to their incident reports so that they may obtain restraining orders as quickly as possible.

3. Unlike other police departments across the state of California who are compliant with state law, SFPD regularly violates the time limits. Although the statute provides for production of reports within a maximum of 10 days, SFPD takes an average of 50 days to deliver the incident reports requested by attorneys for survivors. SFPD fails to adhere to the statutory timelines in approximately 90% of cases where attorneys request reports, and in approximately 10% of such cases, fails to deliver any report at all. According to SFPD's own statistics, roughly 75% of requests for incident reports come from individuals who are not represented by counsel and, on information and belief, SFPD's response times and incidents of denials are as deficient or even more deficient in those cases. By delaying and barring survivors' access to their own incident reports, SFPD is impeding survivors' ability to obtain the protection they so desperately need, leaving survivors and their children throughout the City and County of San Francisco vulnerable to repeated acts of abuse.

4. On information and belief, Respondents justify the denial of incident reports and the significant redaction of incident reports by citing to Government Code § 6254. On information and belief, Respondents believe Government Code § 6254 excuses them from complying with Family Code § 6228.

5. In fact, Government Code § 6324 – which permits police departments to decline to produce records of ongoing criminal investigations *in response to a request made under the California Public Records Act* – has no application to Family Code § 6228. The legislative history of Family Code § 6228, enacted 10 years after Government Code § 6324, makes it clear that police departments must disclose incident reports and

does not contemplate any exceptions that would permit a police department to withhold or redact a report.

6. Petitioners and Plaintiffs LINA LU, ALEXANDRA ANDERSON, and STELLA OSBORNE, individuals, (collectively, "Petitioners") bring this suit against Respondents and Defendants CITY AND COUNTY OF SAN FRANCISCO ("the City"), the SAN FRANCISCO POLICE DEPARTMENT ("SFPD"), and WILLIAM SCOTT, in his official capacity as Chief of SFPD ("the Chief") (collectively, "Respondents") for a violation of Family Code § 6228. Petitioners and Plaintiffs seek a Writ of Mandate pursuant to Code Civil Procedure § 1085, commanding Respondents to comply with their mandatory duties under Family Code § 6228. Petitioners and Plaintiffs also request injunctive relief, pursuant to Code Civil Procedure § 526A, prohibiting Respondents from engaging in further violations of Family Code § 6228, and declaratory relief declaring Respondents violations of Family Code § 6228 as unlawful.

THE PARTIES

7. Petitioner LINA LU is a resident of the City and County of San Francisco and lives with her children. Petitioner LU is a survivor of domestic violence and requested that SFPD provide her with three incident reports in preparation for her civil restraining order trial. SFPD provided Petitioner LU with only one of the three reports. As a result, Petitioner LU lacked key information she needed to prepare for trial, and was unable to subpoena the responding officers to testify at her civil restraining order trial or provide the Court with documentation that she received an Emergency Protective Order. Petitioner LU has paid taxes to and within the City and County of San Francisco, and is a member of the public interested ensuring SFPD's compliance with Family Code § 6228, an issue of significant public concern.

8. Petitioner ALEXANDRA ANDERSON is a resident of the City and County of San Francisco and lives with her children. Petitioner ANDERSON is a survivor of domestic violence and requested an incident report in preparation for a hearing on the supervised visitation orders for her children. Petitioner ANDERSON received her incident report fifteen (15) days after it was requested, causing her to miss the deadline for submitting evidence in support of her position regarding visitation. Furthermore, SFPD only produced the report to Petitioner ANDERSON after the Chair of the Domestic Violence Consortium, the Women's Policy Director at the San Francisco Department on the Status of Women, and the Director of Policy at the Department for Police Accountability all personally contacted a SFPD commanding officer to enlist his assistance in obtaining this report. Petitioner ANDERSON has paid taxes to and within the City and County of San Francisco, and is a member of the public interested ensuring SFPD's compliance with Family Code § 6228, an issue of significant public concern.

9. Petitioner STELLA OSBORNE currently lives in a confidential location in the State of California. Petitioner OSBORNE is a survivor of domestic violence, a member of the public interested in an issue of public concern, and has paid a tax within and to the City and County of San Francisco within the past year.

10. Respondent CITY AND COUNTY OF SAN FRANCISCO ("the City") is a charter city and county organized under the laws of the state of California and is responsible for the training, maintenance, control and supervision of the SAN FRANCISCO POLICE DEPARTMENT, and for establishing the policies, procedures, and customs by which its employees conduct their official duties. The CITY AND COUNTY OF SAN FRANCISCO expends taxpayer funds in carrying its policies and practices with

respect to provision of incident reports to survivors of domestic violence, as described herein.

11. Respondent SAN FRANCISCO POLICE DEPARTMENT is the public entity responsible for ensuring the release of police incident reports within the City of San Francisco. The SAN FRANCISCO POLICE DEPARTMENT expends taxpayer funds in carrying its policies and practices with respect to provision of incident reports to survivors of domestic violence, as described herein.

12. Respondent WILLIAM SCOTT in his official capacity as Chief of the SAN FRANCISCO POLICE DEPARTMENT, is charged with the primary responsibility of overseeing the SAN FRANCISCO POLICE DEPARTMENT while under the scope of his employment and under color of state law. The SAN FRANCISCO POLICE DEPARTMENT expends taxpayer funds in carrying its policies and practices with respect to provision of incident reports to survivors of domestic violence, as described herein.

13. Respondent DOES 1 through 20 are persons or entities whose true names and capacities are presently unknown to Petitioners, who therefore sues these Respondents by fictitious names. Petitioners are informed and believe, and on that basis allege, that each of the DOE Respondents was an agent of one or more of the names Respondents, and was acting within the course and scope of said agency or employment. Petitioners are further informed and believe, and based thereon allege, that each of the DOE Respondents is legally responsible in some manner for the occurrences herein alleged, and has expended taxpayer funds in carrying out such actions. All allegations in this Petition that refer to the names Respondents/Defendants refer in like manner to those Respondents identified as DOES 1 through 20, inclusive. Petitioners will amend this Petition to allege the true names and capacities of the DOE Respondents when the same have been ascertained.

JURISDICTION AND VENUE

14. This Court has jurisdiction over Petitioners' requests for Writ of Mandate under Code of Civil Procedure § 1085. The Court has jurisdiction over Petitioners' claims for declaratory and injunctive relief under Article VI, Section 10, of the California Constitution and Code of Civil Procedure §§ 526 and 1060.

15. Venue in San Francisco County is proper under Code of Civil Procedure § 401.

FACTUAL ALLEGATIONS

16. Respondents have a policy and practice of routinely failing to provide incident reports to survivors or their representatives within five working days, as required under Family Code § 6228.

17. On information and belief, SFPD provides survivors with timely incident reports in fewer than 25% of all cases where such a report is requested.

18. For example, in March 2018, BayLegal requested three incident reports for Petitioner LU, but SFPD produced only one report. To date, SFPD has not produced two of Petitioner LU's three incident reports. On information and belief, the longest delay between a request for an incident report and receipt of an incident report stands at 410 days as of the date of this Petition, and amounts of to a constructive refusal by SFPD to provide an incident report.

19. Respondents have not provided any reason or justification for these delays, are unable to identify the cause of these delays, and are therefore unable to fashion a solution to remedy their lack of compliance.

20. In addition to delaying reports, Respondents also have a policy and practice of improperly denying incident reports to survivors or their representatives, or redacting reports so significantly they are rendered illegible.

21. There is no justification in law for redacting any portion of incident reports provided to survivors under Family Code § 6228, and the failure to produce unredacted incident reports violates the Family Code.

22. SFPD attempts to justify its refusal to provide reports, or its redaction of reports, based on Government Code § 6324, a section of the Public Records Act that permits public agencies to withhold incident reports from Public Records Act responses when there is an open investigation, or when charges are pending or a criminal case has not yet concluded. But neither Government Code § 6324 nor any other provision of the California Public Records Act provide a basis to deny an incident report to a survivor or their representative as specified Family Code § 6228.

23. On 3/15/2018, BayLegal advised SFPD that SFPD was consistently violating Family Code § 6228, and advised SFPD that the Government Code does not provide an exception to the Family Code disclosure requirement. Even after SFPD was put on notice of its erroneous interpretation of Government Code § 6324, SFPD continues to significantly redact incident reports, to improperly deny survivors their incident reports, and to delay the release of incident reports to survivors. It continues to rely on Government Code § 6324 in support of its actions.

24. Respondents' own publications misinform the public of their right of domestic violence survivors to receive a copy of their incident report within five working days under Family Code § 6228.

25. SFPD publishes an "Incident Request Form" on its website, which instructs the public to "Allow 10 business days from the date of your request for processing."[1] A true and correct copy of SFPD's Incident Request Form is attached hereto as Exhibit "1". The text of this form suggests that requesters should wait 10 days for all reports, and fails to identify the statutorily-required shorter timeframe for domestic violence incident reports.

26. On 3/15/2018, BayLegal informed SFPD that the Incident Request Form incorrectly lists a 10 business day return time, and BayLegal requested that Respondents amend the Incident Request Form to conform to the 5 business day time frame mandated by Family Code § 6228. Respondents have not revised and published a corrected "Incident Request Form." A true and correct of a screenshot of the SFPD Incident Request Form last accessed on 5/2/2019 is attached hereto as Exhibit "2".

27. On the SFPD Incident Request Form, SFPD directs people to request an incident report by emailing sfpd.records@sfgov.org. *See* Exhibit "1". SFPD responds to email requests to that address with a misleading automatic reply that states: "***Your email and/or request has been received and will be processed within 10 days in the order it was obtained***. Please allow 7 business days for processing before sending any follow-up emails. Thank you for your patience." (Emphasis added.) A true and correct copy of an Automatic Reply email from SFPD Records dated 3/11/2019 is attached hereto as Exhibit "3". In March 2019, BayLegal brought the incorrect time frame cited in this autoreply to Respondents attention, but Respondents have still not corrected this error.

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[1] SFPD Incident Request Form, available at: https://sanfranciscopolice.org/sites/default/files/Documents/PoliceDocuments/Information%20Docs/27783-SFPD%20491-%20Request%20for%20Police%20Report%20%2811-15%29.pdf (last visited 5/2/2019 at 1:41 PM).

28. In fact, between July 2018 and March 2019, BayLegal and other domestic violence advocates met with SFPD on four occasions to discuss the facts and allegations described herein. During those meetings SFPD agreed to make some changes in order to achieve compliance with Family Code § 6228; however, at other times, SFPD retreated from these agreements. To date, more than one year after BayLegal brought this issue to Respondents attention, SFPD continues to violate the timelines set forth in Family Code § 6228.

29. As a result of Respondents policies and practices as described herein, survivors are unable to obtain timely incident reports and are therefore unable to present sufficient evidence to the court when they are requesting the protection of a domestic violence restraining order. Indeed, survivors' requests for protection may be denied or continued *ad infinitum* until dismissed, solely as a result of SFPD's failure to timely provide incident reports. Consequently, survivors and their children are left without any protection from their abusers, in violation of the express purpose of Family Code § 6228.

30. As a result of Respondents policy and practices described herein, survivors and their counsel lack the documents they need to pursue a protective order; they cannot include the report as a trial exhibit, subpoena SFPD officers or other witnesses named in the reports, conduct discovery or investigation based on information revealed in the reports, notice depositions, adhere to trial deadlines, or adequately prepare the case for trial, thereby hindering the successful outcome of the case.

31. Also as a result of Respondents policy and practice, survivors are discouraged from seeking the protection of a domestic violence restraining order. Oftentimes, an incident report would be the sole documentary evidence a survivor would be able to present to corroborate a reported incident of abuse, injuries, and patterns of

domestic violence. Without this evidence, survivors are deterred from seeking protection under the Domestic Violence Prevention Act.

32. By Respondents' policy and practice as described herein, SFPD fails to effectuate the purpose of Family Code § 6228 which the Legislature declared was intended to "help victims of domestic violence obtain the documentation they need to secure restraining orders as quickly as possible." (1999 Cal. AB 403, 1999 Cal. Stats. Ch. 1022.)

FIRST CAUSE OF ACTION

Ordinary Writ of Mandamus, CCP § 1085

33. Paragraphs 1 through 32 are incorporated herein by reference.

34. Family Code § 6228(b)(2) provides: "A copy of the incident report shall be made available during regular business hours to a victim or his or her representative no later than five working days after being requested by a victim or his or her representative, unless the state or local law enforcement agency informs the victim or his or her representative of the reasons why, for good cause, the incident report is not available, in which case the incident report shall be made available to the victim or his or her representative no later than 10 working days after the request is made."

35. Respondents have a ministerial duty to provide survivors with a copy of their incident reports in accordance with Family Code § 6228.

36. Respondents have a policy and practice of violating their ministerial duty by systematically failing to provide survivors or their representatives with a copy of their incident report within five working days, or even within 10 working days for good cause.

37. Respondents' policy and practice violates a public duty on a matter of great public importance.

38. Respondents have a policy and practice of violating their ministerial duty by routinely denying survivors or their representatives a copy of the survivors' incident report or improperly redacting the incident report.

39. Respondents' policy and practice violates a public duty on a matter of great public importance.

40. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of the law.

41. Petitioners are beneficially interested in having Respondents comply with all applicable provisions of law and their legal duties, as set forth herein.

42. Wherefore Petitioners pray for relief, as set forth below.

SECOND CAUSE OF ACTION

Declaratory and Injunctive Relief
Code of Civil Procedure § 526A

43. Paragraphs 1 through 42 are incorporated herein by reference.

44. Petitioner is informed and believes, and thereon alleges, that Respondents are not in compliance with Family Code § 6228, and that their actions are unlawful and wasteful.

45. An actual controversy exists between Petitioners and Respondents. Specifically, Petitioners contend Respondents are not in compliance with Family Code § 6228 because Respondents routinely fail to provide survivors with a copy of their incident reports within five business days, and improperly deny and significantly redact survivors incident reports citing to Government Code § 6254 as justification for these denials and redactions. On information and belief, Respondents contend they are in compliance with Family Code § 6228, and that Government Code § 6254 precludes Respondent's from

releasing incident reports to survivors until the criminal case against the defendant has concluded.

46. Petitioners therefore seek a declaration by the Court that Respondents are required to comply with their legal duties to timely release incident reports to survivors under Family Code § 6228, and that Government Code § 6254 does not preclude Respondents from complying with their legal duties under Family Code § 6228.

47. Respondents have expended public funds in the promulgation and implementation of unlawful policies and practices as described herein.

48. Injunctive relief is necessary to stop Respondents from expending taxpayer funds in the manner described herein.

49. Petitioners are beneficially interested in having Respondents comply with all applicable provisions of law and their legal duties, as set forth herein.

50. Petitioners have paid a tax to and within the City and County of San Francisco.

51. Wherefore Petitioners pray for relief, as set forth below.

CLAIM FOR ATTORNEYS' FEES

52. This action will result in a benefit to the public, and Petitioners are entitled to an award of attorneys' fees and costs pursuant to CCP § 1021.5, and any basis provided by law.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for relief as follows:

53. For a preliminary injunction and a peremptory writ of mandate requiring Respondents and their agents to immediately comply with Family Code § 6228 by:

a. Providing incident reports to survivors and/or their representatives within 5 working days after the request is made, unless Respondents inform the survivor and/or their representative of the reasons why, for good cause, the incident report is not available, in which case Respondents shall provide the incident report no later than 10 working days after the request is made;

b. Ceasing the policy or practice of denying or redacting incident reports that are requested pursuant to Family Code § 6228;

c. Developing a written policy and practice to ensure compliance with the law, and a directive to all officers and employees of SFPD directing them to comply with the policy and practice;

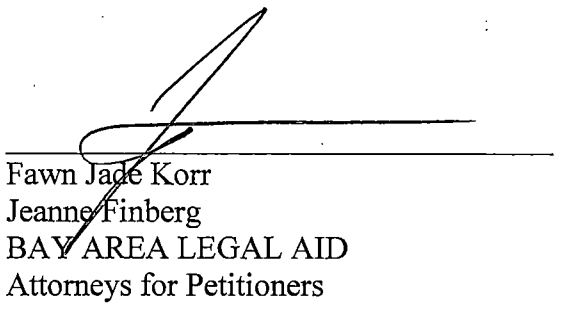
d. Providing monitoring, follow up training and directives as necessary until compliance is consistent and fully implemented.

54. For a declaration that Respondents are violating their legal duties to timely release incident reports to survivors under Family Code § 6228, and that Government Code § 6254 does not preclude Respondents from complying with their legal duties under Family Code § 6228.

55. For an order granting Petitioners their costs and attorneys' fees; and

56. For an order for such other relief as is just and equitable.

Dated: May 6, 2019



Fawn Jade Korr
Jeanne Finberg
BAY AREA LEGAL AID
Attorneys for Petitioners

VERIFICATION

I, Lina Lu, am one of the Petitioners in the above entitled action. I am aware of the VERIFIED WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF ("Verified Writ of Mandate"). To the extent that the Verified Writ of Mandate is based upon facts known to me, including the facts stated under my name in the section entitled "Parties," I verify them to be true, and otherwise, I am informed and believe that all facts herein are true.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed on April 29, 2019, in San Francisco, California.

Lina Lu
Petitioner and Plaintiff

EXHIBIT "1"

Internal Use Only:
Date request received: _____
Date provided/mailed: _____
Date person notified if extension needed: _____
ID/DL for pick-up: _____
RMS staff ID#: _____

Request for Incident Report

Mail request to: San Francisco Police Department
Report Management Section
1245 3rd Street, San Francisco, CA 94158-2102

Or email to: sfpd.records@sfgov.org

There is no legal requirement to fill out this form in its entirety. However, certain individuals are entitled to receive more information pursuant to California Government Code § 6254 (f). The more information you provide may help the Department determine the amount of information provided to you.

Your name: _____

Address: _____

City, State, Zip: _____

Contact Phone: _____ Email: _____

S.F. Police Report #: _____

Name of Party Listed in Report, if not requestor: _____

Date of Birth: Month _____ Day _____ Year _____

Your interest in this incident: _____

_____

_____

Type of Incident: _____

Date/Time of Occurrence: _____

Location of Occurrence: _____

Vehicle Involved (License plate number/state/year, make, model and color): _____

_____

Please indicate how you would like to receive the requested incident report. (Allow 10 business days from the date of your request for processing):

☐ U.S. Mail (It is mandatory to have a self-addressed legal size stamped envelope for your report to be processed).

☐ Email: _____

☐ Pick-up from 1245 3rd Street, 1st Floor, San Francisco, CA 94158, Monday-Friday (8:00am – 5:00pm), closed on weekends and holidays. Please call 415-575-7232 to confirm your report is ready for pick-up.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

_____ Signature

_____ Date

Note: TRAFFIC COLLISION REPORTS ARE ONLY PREPARED FOR HIT & RUN, DRUNK DRIVING AND PERSONAL INJURY CASES. Some reports are restricted and/or inaccessible.

EXHIBIT "2"

Internal Use Only:
Date request received: _____
Date provided/mailed: _____
Date person notified if extension needed: _____
ID/DL for pick-up: _____
RMS staff ID#: _____

Request for Incident Report

Mail request to: San Francisco Police Department
Report Management Section
1245 3rd Street, San Francisco, CA 94158-2102

Or email to: sfpd.records@sfgov.org

There is no legal requirement to fill out this form in its entirety. However, certain individuals are entitled to receive more information pursuant to California Government Code § 6254 (f). The more information you provide may help the Department determine the amount of information provided to you.

Your name: _____

Address: _____

City, State, Zip: _____

Contact Phone: _____ Email: _____

S.F. Police Report #: _____

Name of Party Listed in Report, if not requestor: _____

Date of Birth: Month _____ Day _____ Year _____

Your interest in this incident: _____

Type of Incident: _____

Date/Time of Occurrence: _____

Location of Occurrence: _____

Vehicle Involved (License-plate number/state/year, make, model and color): _____

Please indicate how you would like to receive the requested incident report. (Allow 10 business days from the date of your request for processing):

☐ U.S. Mail (It is mandatory to have a self-addressed legal size stamped envelope for your report to be processed).

☐ Email: _____

☐ Pick-up from 1245 3rd Street, 1st Floor, San Francisco, CA 94158, Monday-Friday (8:00am – 5:00pm), closed on weekends and holidays. Please call 415-575-7232 to confirm your report is ready for pick-up.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

_____ Signature _____ Date

Note: TRAFFIC COLLISION REPORTS ARE ONLY PREPARED FOR HIT & RUN, DRUNK DRIVING AND PERSONAL INJURY CASES. Some reports are restricted and/or inaccessible.

SFPD 491E (11/15)

EXHIBIT "3"

Fawn Jade Korr

From: Fawn Jade Korr
Sent: Thursday, May 2, 2019 1:49 PM
To: Fawn Jade Korr
Subject: FW: Request for Records

From: Records, SFPD (POL) [mailto:SFPD.Records@sfgov.org]
Sent: Monday, March 11, 2019 10:35 AM
To: Fawn Jade Koopman
Subject: Automatic reply: Request for Incident Report

Your email and/or request has been received and will be processed within 10 days in the order that it was obtained.

Please allow 7 business days for processing before sending any follow-up emails.

Thank you for your patience.

Regards,

San Francisco Police Department
Crime Information Service Unit
1245 3rd Street, 1st FL
San Francisco, CA 94158

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Fawn Jade Korr (SBN 315888)
BAY AREA LEGAL AID
1800 Market Street, 3rd Floor, San Francisco CA 94102
TELEPHONE NO.: (415) 982-1300 FAX NO.: (415) 982-4243
ATTORNEY FOR (Name): Petitioners

FOR COURT USE ONLY

FILED
San Francisco County Superior Court
MAY 06 2019
CLERK OF THE COURT
BY: Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME: Civic Center Courthouse

CASE NAME:
Lina Lu, et. al. v City and County of San Francisco, et. al.

CASE NUMBER: CPF-19-516659
JUDGE:
DEPT:

CIVIL CASE COVER SHEET

☑ Unlimited (Amount demanded exceeds $25,000) ☐ Limited (Amount demanded is $25,000 or less)

Complex Case Designation
☐ Counter ☐ Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort
- ☐ Auto (22)
- ☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- ☐ Asbestos (04)
- ☐ Product liability (24)
- ☐ Medical malpractice (45)
- ☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- ☐ Business tort/unfair business practice (07)
- ☐ Civil rights (08)
- ☐ Defamation (13)
- ☐ Fraud (16)
- ☐ Intellectual property (19)
- ☐ Professional negligence (25)
- ☐ Other non-PI/PD/WD tort (35)

Employment
- ☐ Wrongful termination (36)
- ☐ Other employment (15)

Contract
- ☐ Breach of contract/warranty (06)
- ☐ Rule 3.740 collections (09)
- ☐ Other collections (09)
- ☐ Insurance coverage (18)
- ☐ Other contract (37)

Real Property
- ☐ Eminent domain/Inverse condemnation (14)
- ☐ Wrongful eviction (33)
- ☐ Other real property (26)

Unlawful Detainer
- ☐ Commercial (31)
- ☐ Residential (32)
- ☐ Drugs (38)

Judicial Review
- ☐ Asset forfeiture (05)
- ☐ Petition re: arbitration award (11)
- ☑ Writ of mandate (02)
- ☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
- ☐ Antitrust/Trade regulation (03)
- ☐ Construction defect (10)
- ☐ Mass tort (40)
- ☐ Securities litigation (28)
- ☐ Environmental/Toxic tort (30)
- ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint
- ☐ RICO (27)
- ☐ Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- ☐ Partnership and corporate governance (21)
- ☐ Other petition *(not specified above)* (43)

2. This case ☐ is ☑ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   - a. ☐ Large number of separately represented parties
   - b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   - c. ☐ Substantial amount of documentary evidence
   - d. ☐ Large number of witnesses
   - e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   - f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. ☐ monetary b. ☑ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action *(specify)*: **Writ of Mandate, Declaratory Relief, Injunctive Relief**
5. This case ☐ is ☑ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: 5/6/2019
Fawn Jade Korr
(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than $25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort
- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort
- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/ Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
  - Medical Malpractice–Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort
- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment
- Wrongful Termination (36)
- Other Employment (15)

Contract
- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract *(not unlawful detainer or wrongful eviction)*
  - Contract/Warranty Breach–Seller Plaintiff *(not fraud or negligence)*
  - Negligent Breach of Contract/ Warranty
  - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case–Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

Real Property
- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer
- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review
- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ–Administrative Mandamus
  - Writ–Mandamus on Limited Court Case Matter
  - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment
- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment *(non-domestic relations)*
  - Sister State Judgment
  - Administrative Agency Award *(not unpaid taxes)*
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
- RICO (27)
- Other Complaint *(not specified above)* (42)
  - Declaratory Relief Only
  - Injunctive Relief Only *(non-harassment)*
  - Mechanics Lien
  - Other Commercial Complaint Case *(non-tort/non-complex)*
  - Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition
- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition